

***IN THE DISTRICT COURT OF THE UNITED STATES  
For the Western District of New York***

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MARCH 2005 GRAND JURY  
(Empaneled 3/16/05)

**THE UNITED STATES OF AMERICA   06-CR-**

**-vs-**

**INDICTMENT**

**MARIAN ASENOV PENEV**

**Violation:**

18 U.S.C. § 2422(b)

**COUNT 1**

**The Grand Jury Charges:**

Beginning in or about early September 2005 and continuing until on or about December 26, 2005, in the Western District of New York and elsewhere, the defendant, MARIAN ASENOV PENEV, did use a facility and means in interstate commerce to knowingly attempt to persuade, induce and entice an individual he believed to be less than 18 years of age to engage in sexual activity for which any person could be charged with a criminal offense, in that the defendant caused electronic communications to be sent via the internet in interstate commerce to an individual he knew was a 13 year-old female in the Rochester, New York area.

The sexual activity which the defendant attempted to persuade, induce and entice the individual to engage in would constitute a criminal offense in New York State, namely, a violation of one or more of the following sections of the New York State Penal Law: Section 130.30 (Rape in the Second Degree);

Section 130.45 (Criminal Sexual Act in the Second Degree); and  
Section 130.60 (Sexual Abuse in the Second Degree).

**All in violation of Title 18, United States Code, Section  
2422(b).**

DATED: Rochester, New York, January 26, 2006.

KATHLEEN M. MEHLTRETTER  
Acting United States Attorney

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A TRUE BILL:

S/Foreperson